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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



KEITH CREAGH
DIRECTOR

SUBMITTED: May 12, 2014
RESUBMITTED: June 16, 2014
RESUBMITTED: July 14, 2014
RESUBMITTED: August 27, 2014

<p style="text-align: center;">A P P R O V E D</p> <hr/> <p style="text-align: center;">_____, 20____</p> <p style="text-align: center;">MICHIGAN NATURAL RESOURCES COMMISSION</p> <hr/> <p style="text-align: center;">(ASSISTANT TO THE COMMISSION)</p>
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MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Deer Management Assistance Permit Regulations
Wildlife Conservation Order Amendment No. 10 of 2014

Authority:

The Natural Resources and Environmental Protection Act, 1994 PA 451, authorizes the Director and the Commission to issue orders to manage wild animals in this state.

Discussion and Background:

Conflicts between white-tailed deer and humans occur at various levels of intensity across Michigan. Damage to agricultural and horticultural crops, suppressed forest regeneration, deer-vehicle collisions, and destruction of landscaping and other property by deer can be significant.

When conflicts arise, landowners frequently request assistance from the Department of Natural Resources. There are multiple permits the Department issues to landowners for addressing deer-related difficulties. Among the permits are Deer Management Assistance Permits (DMAPs) which provide for the purchase of reduced-rate antlerless deer licenses when certain criteria are met for use during the hunting seasons. Currently DMAPs are purchased for a fee and used only:

- During an open season for deer;
- By a hunter with a valid base license and deer license;
- With the method of take allowed during the open season for deer, except on a case-by-case basis during the first two weeks of archery season; and
- To harvest antlerless deer.

Issue Pros and Cons

The Department has received significant feedback from landowners regarding method of take with DMAPs. Under current regulations, a hunter using a DMAP may only harvest a deer using the method that coincides with the current season (e.g. firearms may not be used during the archery season), except on a case-by-case basis during the first two weeks of archery season. Archery deer hunting season takes place from October 1 through November 14 and from December 1 through January 1 of each year. Some landowners have indicated that they feel they are unable to adequately protect their agricultural interests when limited to archery-only methods during most of archery season. They have requested that firearms be used in conjunction with a DMAP regardless of the season.

Some hunters and hunting organizations have indicated to the Department that they are concerned that firearm deer hunting under DMAPs during archery season will cause interference with hunters using archery methods in nearby areas. Some hunters believe that a quiet period before the opening of archery season improves the number of deer seen. The Department and the Natural Resources Commission have also received feedback regarding potential archery deer season safety issues. During this season, archery hunters are not required to wear hunter orange and are often in camouflage clothing and blinds. Archery deer hunters may not be visible to landowners using firearms on nearby property during archery season.

Neighboring States

The Department polled natural resources professionals in Illinois, Indiana, Kentucky, Minnesota, Missouri, Nebraska, North Dakota, Ohio, and Wisconsin to see if their states allow firearm use with DMAPs (or similar permits) during the archery season. The results were the following:

- Illinois: Yes; special deer removal permits may be authorized any time except during the regular firearm deer season.
- Indiana: Yes; Indiana has the authority to issue permits during deer hunting seasons. However, in practice, Indiana has never actually issued permits during the hunting seasons where hunting is open and able to occur.
- Ohio: Yes; if the landowner has crops in the field and damage is occurring then their permit remains valid, at least until the end of the year. Truck crops, orchards, and nurseries would account for most of the permits that are valid during the archery season.
- Kentucky, Minnesota, Missouri, and Wisconsin: Yes; these states have authority to issue permits to use firearms during archery season. However, in practice, the permits are only issued on a case-by-case basis and, especially in Kentucky and Minnesota, extraordinary circumstances and site visits are required.
- Nebraska and North Dakota: No.

Pilot Program

Landowners most frequently request DMAPs in the Lower Peninsula (LP) where there is a longer agricultural growing season and the ability to raise a diverse range of crops. Deer populations in the LP also tend to be higher due to less severe winters, mast abundance, and less recreational hunting due to a lack of public land.

The Department recommends establishing a pilot program available in Antrim, Benzie, Charlevoix, Grand Traverse, and Leelanau counties. Qualifying landowners within these DMAP pilot program counties may be permitted to use firearms during the majority of archery season for deer under the following conditions:

- A Department inspection finds that there is a crop-damage issue that can be controlled through the immediate removal of deer;

- There are factors, such as size of field and time of year, that preclude effective archery hunting or available tools, such as Deer Damage Shooting permits, have been used to discourage deer from damaging crops during the growing season;
- The landowner agrees that there will be no shooting from October 1 through October 4 and from November 10 to November 14; and
- The landowner includes method of take in the annual report provided to the Department.

The Department does not recommend establishing criteria for night-time use of DMAPs in any part of the state.

The Department does recommend allowing for the take of one antlered deer with a DMAP on land within the pilot program area when the following conditions are met:

- An inspection by Department personnel finds that an antlered deer is causing acute damage by removing bark through antler rubbing on agricultural or horticultural trees, shrubs, or vines multiple times during a week; and
- The landowner has used barriers or other methods (e.g. fencing or tree wraps) to prevent antlered deer damage to agricultural or horticultural trees, shrubs, or vines. The inspection shows these methods have not been effective in eliminating damage.

The Department recommends that all antlered deer harvested with a DMAP be surrendered, including antlers, to the Department within 72 hours. The Department will process the carcass for human consumption when possible.

Detailed criteria regarding the provisions for the pilot program are proposed to be published in the DMAP Decision Tree. It is recommended that this pilot program be allowed for three years for evaluation with a 2017 sunset clause.

Biological

The number of deer that are taken with DMAPs each year, regardless of method of take, is not expected to adversely impact the population of the species.

Social

Firearm use in conjunction with DMAPs became permitted on a case-by-case basis during the first two weeks of archery season in 2013. At this time, the Department does not have historical survey or usage data to show the effects of this regulatory change.

The Regional Deer Advisory Teams have not met to discuss this issue.

The Michigan United Conservation Clubs and the Michigan Bow Hunters Association are not in favor of these changes. They have stated at Natural Resources Commission meetings that landowners have a variety of tools available to reduce deer conflicts and that some tools, such as the Hunters Helping Landowners Program, are underutilized.

The Michigan Farm Bureau is in favor of firearm usage in conjunction with DMAPs regardless of deer season, but have expressed that this order as written is too restrictive.

Economic

The Department does not expect the proposed change to have any significant budgetary or personnel implications.

Damage to agricultural and horticultural crops, suppressed forest regeneration, deer-vehicle collisions, and destruction of landscaping and other property by deer in urban and suburban areas can result in significant costs to the landowner or automobile owner.

Recommendation:

The Department recommends establishing a pilot program for landowners in Antrim, Benzie, Charlevoix, Grand Traverse, and Leelanau counties to allow expanded permissions as described above and with use of the DMAP Decision Tree. It is recommended that this pilot program be allowed for three years for evaluation with a 2017 sunset clause. This order was submitted for information on June 12, 2014; July 10, 2014; and August 14, 2014 at the Natural Resources Commission Meetings. This item appeared on the Department's May, June, July, and August calendars and may be eligible for approval on September 11, 2014.



Russ Mason, Ph.D., Chief
Wildlife Division



Bill O'Neill, Chief
Forest Resources Division



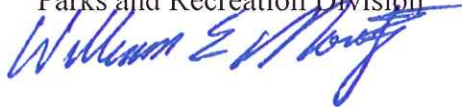
James Dexter, Chief
Fisheries Division



Gary Hagler, Chief
Law Enforcement Division



Ronald A. Olson, Chief
Parks and Recreation Division



William E. Moritz, Ph.D.
Natural Resources Deputy

I have analyzed and discussed these recommendations with staff and concur as to matters over which the Director has authority.

WILDLIFE CONSERVATION ORDER

Amendment No. 10 of 2014

By authority conferred on the Natural Resources Commission and the Director of the Department of Natural Resources by sections 40107 and 40113a of 1994 PA 451, MCL 324.40107 and 324.40113a, it is ordered that effective September 12, 2014, the following section(s) of the Wildlife Conservation Order shall read as follows:

5.80 Deer management assistance (DMA) hunting permits; definitions, criteria for issuance, validity of permits, application procedures, restrictions and requirements; exception; unlawful acts.

Sec. 5.80 (1) The terms in this section shall have the meaning described to them in this section.

(a) Permit means a deer management assistance (DMA) permit.

(b) Permittee means an individual who has applied for and been authorized to purchase deer management assistance permits by the department.

(c) Authorized designee means one individual who has been designated by the landowner and approved by the department, to act on behalf of the landowner to apply for and implement the provisions of deer management assistance permits. The department reserves the right to deny an individual, including the permittee, the authority to personally implement the provisions of a permit if such authority would conflict with a court order, administrative rule, or law.

(2) Permits may be issued statewide to owners of land, or their authorized designee, located in areas where current antlerless harvest methods are insufficient to achieve department deer management objectives or where one of the following conditions exist:

(a) The department has documented that the property owner has significant agricultural or horticultural crop damage caused by deer.

(b) The department has documented that a serious disease outbreak is a threat to the deer herd, livestock, or human health.

(c) The department has documented a significant safety hazard caused by deer.

(d) Current antlerless regulations are insufficient to achieve landowner deer management objectives.

(3) DMA permits are valid only during an open season for the taking of deer as established by this order and only upon the land for which issued.

(4) DMA permits are valid only for the taking of an antlerless deer. An individual hunting under the authority of a DMA permit shall carry the unused permit and shall exhibit the unused permit upon the request of a law enforcement officer.

(5) An individual owning land within a qualifying area as determined by the department, or their authorized designee, may apply for a DMA permit with the wildlife supervisor on a form provided by the department. This agreement will include an estimate of desired antlerless harvest and numbers of hunters needed to meet the desired harvest objective. A DMA permit shall be signed by both the permittee and wildlife supervisor. The number of DMA permits will be determined by the wildlife supervisor. A minimum of 5 DMA permits shall be issued per permittee. Failure to comply with the terms and conditions of the permit will make the permittee ineligible to receive a DMA permit for a period of 1 year.

(6) The permittee shall not purchase more DMA permits than approved by the department.

(7) DMA permits may be subsequently issued by the permittee. An individual shall not accept, carry afield, use or attempt to use a DMA permit unless in possession of a current base license and deer license. A permittee shall not sell, lend, barter, or trade a DMA permit. Permittees shall inform hunters about rules pertaining to the use of DMA permits.

(8) A hunter issued a DMA permit by a permittee or authorized designee shall not sell, lend, barter, trade, or allow another individual to use the DMA permit. Unused permits may be reissued to hunters only by the permittee or authorized designee.

(9) The provisions of section 3.103 shall apply to a permit and kill tag issued under this section. In addition, unless otherwise provided in this section, an individual issued a DMA permit shall comply with lawful hunting hours and all regulatory requirements for the taking of deer for the season in which they are hunting.

(a) A firearm shall not be used with a DMA permit during archery season except from October 1 through October 14, on lands not including Antrim, Benzie, Charlevoix, Grand Traverse, and Leelanau counties, with permission. This exception may be authorized on a case-by-case basis by the wildlife supervisor and district law enforcement supervisor if the department determines that take by archery methods will not be sufficient to reduce conflict due to unusual circumstances.

(b) A firearm shall not be used with a DMA permit during archery season except in Antrim, Benzie, Charlevoix, Grand Traverse, and Leelanau counties as authorized on a case-by-case basis by the wildlife supervisor and district law enforcement supervisor. In addition to the provisions in this order, the five-county pilot program exception criteria shall be as published in the DMA permit decision tree.

(i) A permittee shall observe a quiet period from October 1 through October 4 and from November 10 to November 14 and shall not use firearms during this time.

(ii) DMA permits may be valid for the taking of deer with antlers extending three inches or more above the skull with permission when active and acute agricultural or horticultural damage is being caused by an antlered deer. This exception may be authorized on a case-by-case basis by the wildlife supervisor and district law enforcement supervisor if the department determines that taking only antlerless deer will not be sufficient to reduce active and acute agricultural or horticultural damage.

(iii) After attaching the kill tag, any antlered deer carcass shall be transported in an open manner to the nearest department office and surrendered within 72 hours of harvest.

(10) A permittee shall report by January 15, on a form provided by the department, to the wildlife supervisor the name and address of all hunters and the number of deer harvested under the authority of DMA permits. A permittee authorized for firearm use as provided by subsection (9)(b) shall also include method of take used during archery deer season. Failure to comply with the terms and conditions of the permit will make the permittee ineligible to receive a DMA permit for a period of 1 year.

(a) A permittee authorized for firearm use as provided by subsection (9a) above shall adhere to additional reporting requirements. A permittee shall report, on a form provided by the department, by October 29 to the wildlife supervisor the name and address of all hunters, the number of deer harvested, and the method of take used under the authority of DMA permits from October 1 through October 14. Failure to comply with the terms and conditions of the permit will make the permittee ineligible to receive a DMA permit for a period of 1 year.

(11) Deer taken under the authority of a DMA permit shall not be included in the season limit as defined in section 3.101(8) of this order. The daily limit and season limit shall be 1 deer per DMA permit.

(12) Subsection (9)(b) shall be rescinded on June 8, 2017.

Issued on this 11th day of September, 2014.

Approved as to matters over which the Natural Resources Commission has authority.

J. R. Richardson, Chairman
Natural Resources Commission

Approved as to matters over which the Director has authority.

Keith Creagh
Director



RICK SNYDER
GOVERNOR

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DIRECTOR

Deer Management Assistance Hunting Permit (DMAP) Decision Tree

A. General Considerations

- Under current regulations, all DMAP holders shall report to the DNR how many permits were requested, issued, and utilized on an annual basis. Failure to do so prevents issuance of permits for one year.
- The DNR shall summarize and report this information annually.
- If the number of DMAPs issued in a deer management unit (DMU) begins to proportionately reach the antlerless license quota, then the recommendations for antlerless licenses should be factored into antlerless license quota recommendations.

B. Request Received for DMAPs

1. Is the request consistent with one of the four criteria for issuance of DMAPs? [Note: the four criteria are; 1) Significant agricultural or horticultural damage, 2) a documented serious disease outbreak threatens human, livestock or deer health, 3) a significant safety hazard caused by deer, 4) current antlerless deer regulations are insufficient to achieve landowner deer management objectives]
 - ✓ Yes—issue DMAPs [See C. if use of firearms is requested during archery season]
 - No—Recommend use of antlerless hunting with archery/crossbows or antlerless licenses

C. Request Received for Firearm Use With DMAPs During Archery Season

1. Has the property been hunted during archery season during the last 2 years, or is the property located in Antrim, Benzie, Charlevoix, Grand Traverse, or Leelanau County (Pilot area)?
 - ✓ Yes – See #2
 - No – recommend use of archery/crossbow hunting, issue DMAP with only standard authorities
2. Is there an issue that can be controlled through the immediate removal of deer to protect a crop?
 - ✓ Yes – See #3
 - No – recommend use of archery/crossbow hunting, issue DMAP with only standard authorities
3. Does size of field, lay of the land, or some other factor preclude effective use of archery/crossbow hunting for accomplishing the take of deer during archery season or have available tools, such as Deer Damage Shooting permits, been used to discourage deer from damaging crops during the growing season?
 - ✓ Yes – See #4

- No – recommend use of archery/crossbow hunting, issue DMAP with only standard authorities
4. Is the property located in Antrim, Benzie, Charlevoix, Grand Traverse, or Leelanau County (Pilot area)?
- ✓ Yes – Authorize the use of firearms through the entire archery season, with the requirement that the use of DMAPs with firearms is prohibited October 1 through October 4 and November 10 through November 14. Method of take must be included in annual reporting.
 - No – Authorize the use of firearms to take deer from October 1 through October 14 of archery season. Accelerated reporting deadlines apply. Nighttime shooting and the take of antlered deer may not be authorized.

D. Request Received to Harvest Antlered Deer

1. Is the property located in one of the following counties: Antrim, Benzie, Charlevoix, Grand Traverse, or Leelanau County (Pilot area)?
- ✓ Yes – See #2
 - No – recommend use of archery/crossbow hunting, issue DMAP with only standard authorities and antlerless only
2. Is an antlered buck causing active acute damage by removing bark through antler rubbing on agricultural or horticultural trees/shrubs/vines multiple times during a week?
- ✓ Yes – See #3
 - No – recommend use of archery/crossbow hunting, issue DMAP with only standard authorities and antlerless only
3. Have barriers or other methods been used to prevent antlered deer damage to crops, such as fencing, tree wraps, etc. but have not been effective in eliminating damage?
- ✓ Yes – Authorize the taking of one antlered deer using a DMAP and requiring that the entire gutted carcass, including antlers, of the deer be surrendered to the Department within 72 hours.
 - No – Require evidence of attempts at damage deterrent.